

ADOPTED BY THE BOARD OF FORESTRY

ON AUGUST 9, 1995

POLICY STATEMENTS

A policy prescribes specific procedure of the licensing office for Professional Foresters, and is presented so it is known to interested persons. These policies do not constitute an underground regulation pursuant to the Government Code. These policies, unless otherwise changed, expire December 31, 1999 without specific re-approval by the Board.

POLICY NUMBER 1 FOR PROFESSIONAL FORESTERS REGISTRATION

REVIEW OF APPLICATIONS. All applications are reviewed first by the Executive Officer who determines action under Public Resources Code (PRC), Sections 750 et seq., and Title 14, California Code of Regulation (14 CCR), Sections 1600, et seq. as follows:

- (a) Applications which are incomplete will be returned to the applicant for completion, or retained pending submission of supporting documents. The burden of proof rests with the applicant and, therefore, so does the responsibility for any such delays beyond the time frames and deadlines established by codes.
- (b) The applications whose applications are complete and verified as meeting the experience requirements, will have their names forwarded to the Examining Committee with recommendation of authorization to take the examination.
- (c) If a applicant's qualifications are unclear or in doubt, the application is reviewed by the Examining Committee, and appropriate action may be taken. The Committee may request clarifying information and/ or delegate to the Executive Officer the option of authorizing the applicant to take the exam after the last PFEC meeting and just prior to taking the exam; authorization just prior to taking the exam may only be done to the applicant agrees to waive the thirty (30) day examination authorization notice, and provides the requested clarifying information.

POLICY NUMBER 2 FOR PROFESSIONAL FORESTERS REGISTRATION

EXAMINATION SCORING. Examinations are scored by tow RPF's retained as Expert Examiners. The Examiners independently grade each question for each person. The Examiners grade the questions from answers supplied by Professional Foresters Licensing. In grading, the Examiners may encounter other appropriate answers which should be accepted and counted in the applicants favor. The Examiners then meet to compare their scores on each question for variation, and after discussion, develop an agreed upon final score for each question. The resulting score on each question is summed and averaged to determine the overall exam score. The name of the applicant is kept confidential, since an applicant's number is the only identification on the exam answer sheet.

POLICY NUMBER 3 FOR PROFESSIONAL FORESTERS REGISTRATION

RECORDS. In regard to the right of the public to know and the right of the individual licensee to privacy, the following governs access to records of Professional Foresters Licensing applies:

- (a) Files pertaining to individual applications or registrants shall be made available only to that person or other person designated in writing, except Professional Foresters Licensing staff or designated persons acting in an official capacity regarding registration. Applicant files will be retained two years from the year of receipt.
- (b) The names of persons denied qualification for the exam or registration will not be released, and information about those denied will not be supplied to anyone except the applicant or other person designated in writing, and those acting in an official capacity regarding Professional Foresters Registration.
- (c) Applicant answers will be retained at least 45 days after mailing of the exam results. The applicant's examination answers or scores will be provided only in writing to those applicant or designee and no scores will be released correlating to names or license numbers. Examination results or scores will not be given out over the phone to anyone. Computerized data regarding exam results and education substitution for qualifying experience will retained by applicant number. This data retention commenced in 1986.
- (d) The registrant's file and the corresponding computerized data will be maintained while the RPF is currently registered. Upon approval of withdrawal, computerized data regarding the status of the license will be retained; the original data will be restored upon approval of request for reinstatement. Files will be retained during withdrawal status. Persons whose license is revoked from discipline will be treated in this same manner.
- (e) A confidential list showing all RPFs and preferred mailing addresses will be maintained indefinitely starting 1984. A list by RPF# and name is available.
- (f) RPFs whose registration is voluntarily relinquished, revoked for non-renewal, or who pass away, will have their files held for two years from the year of occurrence.
- (g) Access to investigation files and records is governed by various California Codes. When disciplinary actions by the Board involving suspension or revocation occur, the public has the right to know a registrant's name, license number, city of business, and period of time the person's license is to be suspended, or on what date the revocation takes effect. Unless the Board's decision is overturned by a reviewing court order, the circumstances or conditions imposed are available only in the form presented in the Licensing News and news release.

POLICY NUMBER 4 FOR PROFESSIONAL FORESTERS REGISTRATION

PUBLIC NOTICE OF DISCIPLINARY ACTION

As part of the public notice requirements of PRC ' 777, the Board of Forestry directs staff to provide public notice in the Board's publication "Licensing News," and notice in the "Daily Recorder" as generally required for other Board actions. Disciplinary actions shall be reported as follows:

- a) Exonerated; Specifics of the case not made public. No notice in the Daily Record, summary only in Licensing News.

Case number:	
Allegation:	Possible Grounds for Action
Authority:	Code Section(s)
Discipline:	None; evaluation only

- b) PFEC Letter of Concern or Private Board Reprimand; specifics of the case not made public, no notice in the Daily Recorder, summary only in Licensing News.

Case number:	
Allegation:	Possible Grounds for Action
Authority:	Code Section(s)
Discipline:	Action taken and evaluation

- c) Suspension or revocation by the Board or criminal action against non-licensed persons: Specifics of the case made public, notice in both Daily Recorder and Licensing News.

Case number:	
Name and RPF Number:	
City of business at time of notice:	
Allegation:	Description
Authority:	Code Section(s)
Discipline:	Action taken and evaluation

Disclosure of information to the news media shall only be in form of a written news release or a copy of the Licensing New report. On a case by case basis, the Board may direct the Executive Officer to issue a written news release to be distributed to selected media representatives in the RPF's local area. Explanation of the news release by Foresters Registration staff to a news media person may occur only when the person contacted has either of these items in their possession.

POLICY NUMBER 5 FOR PROFESSIONAL FORESTERS REGISTRATION

Statewide Public List - All RPFs by number, name, and status of license.

Public List - A directory of all RPFs who want to be listed is produced each year after renewals are finalized. The mailing addresses and phone number listed are identified as "preferred" on the renewal application. This list is provided on request with payment of a duplication fee. The fee is waived for State agencies dealing with forestry matters, libraries, or Forester Registration in other states.

Consultant Lists - A directory of consulting RPF's is produced by County of residence. The service is provided as supplemental to the records kept by Professional Foresters Licensing, and there is no intent to develop or maintain a business directory. A consultant may request on their renewal application to be listed in this directory.

Revised lists will be produced annually after the renewal process is complete.

A statement will be included on the consultant list that most consultants provide forestry services statewide, and that the Association of Consulting Foresters maintains a separate list of their members, and provide the address to request same.

All listed information will come directly from the computerized data as shown on the renewal application.

- (a) Name - The RPF's first and last name with registration number is the first line printed.
- (b) Status - Consultants will have their business name, address and phone listed as noted on the renewal application card.

Sub category of the Consultant List: Those RPF's who prepare California Forest Improvement Plans (CFIP) or Forest Stewardship Plans (SIP) -- This list includes the same RPF information on the larger general consultant list.

POLICY NUMBER 6 FOR PROFESSIONAL FORESTERS REGISTRATION

NON-LICENSED PERSONS

Complaints involving non-licensed persons using the title of, or acting in the capacity of a "Professional Forester" without being registered, or otherwise exempted, are acting illegally (PRC, Section 766) and are handled in a manner similar to Policy 8. The Executive Officer may hire expert witnesses to review investigation results and establish prudent standards of conduct.

If investigation or expert witness and Executive Officer evaluation show sufficient cause, the appropriate District Attorney General's office may be asked to prosecute the case. Such prosecution is based upon unfair or unlawful business practices, or false and misleading advertising. Action against a non-licensed person may include the Civil Code of Procedure, Section 1029.8 which governs cost recovery and punitive awards in the case of damage caused by an unlicensed person.

POLICY NUMBER 7 FOR PROFESSIONAL FORESTERS REGISTRATION

SUMMARY OF CASE LAW FOR PURPOSE OF CLARIFYING GROUNDS FOR RPF DISCIPLINARY ACTION UNDER RESOURCES CODE, SECTION 778(b):

The failures of responsibility which subject an RPF to “Disciplinary Action” (Pursuant to PRC, 778) are summarized as below, to provide general reference and guidance only. CURRENT APPLICABLE CODES AND CASE LAW TAKE PRECEDENCE.

1. Deceit is either:

- (a) The suggestion, as a fact, of that which is not true, by one who does not believe it be true;
- (b) The assertion, as a fact, of that which is not true, by one who has no reasonable grounds for believing it to be true;
- (c) The suppression of a fact, by one who is bound to disclose it, or who gives information of other facts which are likely to mislead for want of communication of that fact; or,
- (d) A promise, made without any intention of performing it. Civil Code, Section 1710.

Fraudulent Deceit: “One who willfully deceives another with intent to induce him to alter his position to his injury or risk, is liable for any damages which he thereby suffers.” Civil Code, Section 1709.

Deceit Upon the Public: “One who practices a deceit with intent to defraud the public, or a particular class of persons, is deemed to have intended to defraud every individual in that class, who is actually misled by the deceit.” Civil Code, Section 1711.

2. Fraud is a bad faith, dishonest or overreaching act done with intent to deprive another of his right, or in some manner to do a person an injury. It includes all surprise, trick, cunning, dissembling and unfair ways by which another is cheated. As distinguished from gross negligence, it is always intentional.

Actual Fraud. See Deceit above with addition of:

- (e) Any other act fitted to deceive.
Civil code, Section 1572.

3. Incompetence is a demonstrated lack of ability, skill, or knowledge to perform professional functions. Such lack may be demonstrated by a single and specific incident or by a series of lesser failures in performance. This is not to say that a single honest failing in performing his/her duties constitutes incompetence in a RPF's practice. Because of the difficulty in defining incompetence, performance standards are established by expert witnesses and relate to specific instances, time and place.
4. Material Misstatement of Fact is a misstatement that would be likely to affect the decision of the administrative agency or reasonable person in to the transaction in question. In contracts, material facts are those which constitute substantially the consideration of the contract, or without which it would not have been made. For purposes of the Forest Practice Act and Code Section 4583.5 in particular, a material misstatement in a Timber Harvesting Plan or a report submitted to the Department would thus include any misstatements which would be likely to affect the Department's decision with respect to the Timber Harvesting Plan or report.

"A 'misrepresentation' is 'material' if it would be likely to affect the conduct of a reasonable man with reference to the transaction in question." Costello v. Roer (1946) 77 Cal.App.2d 174, 175 Pp.2d 65.

5. Misrepresentation is a conduct or a representation contrary to fact made by a RPF, under circumstances in which a reasonable RPF would not have made the representation. There need not be actual or constructive intent to deceive. Misrepresentation can occur when a RPF holds himself/herself out to be specially qualified, when in fact the RPF is not; it may also occur when a RPF knowingly acts on an insufficient basis of readily available information commonly accepted by a reasonable and prudent by the RPF community in making a representation.

Negligent Misrepresentation:

- (a) The respondent must have made a representation as to a past existing material fact.
- (b) The representation must have been untrue;
- (c) Regardless of respondent's actual belief, the representation must have been made without any reasonable ground for believing it to be true;
- (d) The representation must have been with the intent to induce plaintiff to rely upon it;
- (e) The plaintiff must have been unaware of the falsity of the representation; he must have acted in reliance upon the truth of the representation and he must have been justified in relying upon the representation.
- (f) And, finally as a result of his reliance upon the truth of the representation, the plaintiff must have sustained damage. Book of Approved Jury Instructions (BAJI), 12.45.

6. Gross Negligence is an extreme departure from the prudent standards of conduct or performance as established by expert witnesses. It is the exercise of so little care that it justifies the belief that the person was indifferent to the interests and welfare of other people or natural resources. Gross negligence does not require actual or constructive intent.

“The intentional, conscious failure to do a thing that is incumbent upon one to do, or the doing of a thing intentionally that one ought not to do.” Pilot Industries v. Southern Bell Tel. & Tel. Co., D.C.S.C., F.Supp. 356, 362.

“The exercise of so slight a degree of care as to raise a presumption of conscious indifference to the consequences. A finding a gross negligence is made by applying an objective test: If a reasonable person in the defendant’s position would have been aware of the risk involved, then the defendant is presumed to have had such an awareness.” People v. Soledad (1987, 5th Dist) 190 Cal.App.3d 74, 235. Cal.Rptr. 208.

Gross – great; absolute; exists in its own right, and not as an appendage of another thing of all measure; beyond allowance; not to be excused; flagrant; gross carelessness.

Negligence – “Negligence is the doing of something which a reasonably prudent person would not do, or the failure to do something which a reasonably prudent person would do, under circumstances similar to those shown by the evidence. It is the failure to use ordinary or reasonable care. Ordinary or reasonable care is that care which persons of ordinary prudence would use in order to avoid injury to themselves or others under circumstances similar to those shown by the evidence.

[You will note that the person whose conduct we set up as a standard is not the extraordinary cautious individual, not the exceptional skillful one, but a person of reasonable and ordinary prudence.]” BAJI 3.10.

Actionable Negligence: “[A] legal duty to use due care, breach of that duty, and a proximate or legal causal connection between the breach and plaintiff’s injuries.” E.F. Hutton & Co. v. City National Bank (1983, 2nd Dist) 149 Cal. App. 3d 60, 196 Cal. Rptr. 614).

7. CODE SECTIONS NOTED IN FELONY CRITERIA, 14 CCR 1613 That may be substantially relates to the duties of an RPF.

(a) Public Contract Code

Section 10422 Corrupt performance of official act. “Any officer or employee of the department who corruptly performs any official act under this chapter to the injury of the state...”

Section 10423 Corruptly permitting violation of contract; felony. “Any person contracting with the state by contract who corruptly permits the violation of any contract made under this chapter...”

(b) Business and Professions Code

Division 7 – Part 2 – Preservation and Regulation of Competition

(c) Health and Safety Code

Division IX, Part I, Explosives

8. Failure of Fiduciary Responsibility may be tied to Grounds for Disciplinary Action.

Fiduciary Responsibility – A relation subsisting two persons in regard to a business, contract, or piece of property, or in regard to the general business or estate of one of them, of such a character that each must repose trust and confidence. It may involve an agreement where a person delivers a thing to another on the condition he will restore it to him. Violation of fiduciary responsibility may arise from recklessness (inadequate records, etc.). It differs from fraud which is willful.

(Fiduciary Responsibility – Duty)

“In performing professional services for a client, a [forester] has the duty to have that degree of learning and skill ordinarily possessed by reputable [foresters], practicing in the same or a similar locality and under similar circumstances.” It is the forester’s “duty to use the care and skill ordinarily used in like cases by reputable members of his or her profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his or her best judgment in application of his learning, in an effort to accomplish the purpose for which he or she was employed. A failure to fulfill such duty is negligence: BAJI 6.37.

Note: A felony conviction could occur when a contractor received payment and does not pay for materials or labor rendered – the word “fraudulent” is not mentioned in this statute. Federal or out-of-state codes may also not refer to fraud in some situations.

POLICY NUMBER 8 PROFESSIONAL FORESTERS REGISTRATION

HANDLING OF A COMPLAINT (DISCIPLINARY PROCESS) for RPFs

Note: The disciplinary process is governed by the Public Resources Code; Title 14 California Code of Regulation; Evidence Code, Civil Code of Procedures; and Government Code. For the benefit of interested persons, the following provides a narrative of the sequence followed in implementing these Codes. The attached flow chart is a visual presentation of this process.

The Complaint

A complaint can be filed by a person, in writing, with Professional Foresters Registration, or the Board can proceed upon its own (PRC, Section 775). The RPF's vested property right of the license is protected under "due process". The Executive Officer must verify that the complaint is legally subject to possible disciplinary action (i.e., fraud, deceit, misrepresentation, gross negligence, etc; PRC, Section 778). If the matter is, or becomes, a criminal court action, the Administrative action will likely be delayed until a determination is rendered.

Confidentiality

A complaint is a CONFIDENTIAL matter (Government Code, Sections 6254 [f], and 11183). The identity of the person filing the complaint remains confidential throughout the investigation (Evidence Code, Section 1041). This may become public information if Hearing testimony from the complainant is required or if the person's identity is otherwise pertinent to the case. If the complaint does not come under the grounds for discipline, the RPF will still be notified that a complaint was received; confidentiality will likely limit the amount of information that can be provided.

Processing a Complaint

The Executive Officer may take the matter to the Professional Foresters Examining Committee (PFEC) at any state of processing.

If the failures of RPF responsibility are well-documented (e.g. violations, citations, court records, or other documents), the RPF is given an opportunity to provide his or her side of the story in response to the issues of concern (allegations). The RPF is advised that the reply may be used against him or her in the process, and may choose not to respond. If needed expert witnesses may be involved to establish RPF prudent standards of conduct given the same set of circumstances. If the RPF is willing to admit to any failures of responsibility, the Executive Officer may suggest the RPF sign a Stipulated Agreement implementing specified discipline (i.e., suspension, some possibly "stayed" which creates probation, or revocation).

When the issues are not well-documented, the Executive Officer initiates an investigation. This may involve professional investigators from the Department of Consumer Affairs, which is the agency most involved with California licensing Boards. The investigator gathers the evidence of what occurred, and is subject to the Evidence Code. Professional forester direction and advice is provided by the Executive Officer, and in some cases, independent RPFs. The investigator interviews witnesses while stressing the confidential nature of the matter, and gathers leads as appropriate. As soon as all information necessary for professional investigation is obtained, the RPF is notified by the Executive Officer to explain that Professional Foresters Licensing is coordinating an investigation on complaint allegations.

The Executive Officer may enumerate the allegations to the RPF under investigation or the investigator may make the allegations known when presenting questions. When the RPF is personally contacted by the investigator, the RPF will be asked if he/she is willing to be interviewed to discuss facts important to the case. The RPF is also allowed to make a written statement.

If the case involves risk that evidence can be changed, or witnesses impacted, the Executive Officer may not tell the RPF until the investigator makes them known in presenting questions. The RPF is personally contacted by the investigator who asks the RPF if he/she is willing to be interviewed to discuss facts important to the case. The RPF may refuse to be interviewed. The investigator may ask the RPF details about occurrences important to the case. Information gathered may be used against the RPF. The RPF is also to make a written statement to the investigator.

These stages in the process are sensitive because many RPFs feel they should be able to face his/her accuser at this point. Because no Accusation has been filed, there is no accuser. Many RPF's feel they should have an attorney present when talking with the investigator, but it is not required. Only facts are being gathered for consideration by the Professional Foresters Examining Committee to recommend appropriate action. At any time evidence warrants criminal action, however, the investigator may read the RPF the Miranda rights prior to gathering statements. A Criminal complaint may be independently requested by Consumer Affairs, Division of Investigation, or a District Attorney if the evidence warrants such action.

Peer Review

The Executive Officer reviews the RPF's response to the allegations, stipulated Agreement, or investigation report with the Professional Foresters Examining Committee (PFEC). If circumstances warrant, key people may be invited to a confidential, closed session meeting of the PFEC for informal discussions to clarify matter. If the RPF is invited, he/she may decline. Statements made and evidence presented in the discussion, however, could be used in an Accusation.

When incriminating evidence is sufficient at any time in the process, one or more RPF's serving as "Expert Witnesses" may examine the situations regarding the complaint.

"Standards" of performance are established using the "prudent forester concept" where evaluation by independent RPF's by similar qualifications and experience, is used to establish proper and prudent actions in any specific situation.

The possible action recommended by the Committee to the Executive Officer at this point can include: 1) Exoneration no further action warranted), 2) confidential letter stating the Committee's concerns 3) recommend to the Board that a Private Board Reprimand be issued, 4) recommend to the Board that the Stipulated Agreement be approved, or 5) proceed with an Accusation. Cases are considered closed after condition 1, 2, and 3. Cases are not considered Closed after condition No.'s 4 and 5.

The Accusation

If disciplinary action without a Stipulated Agreement is anticipated, the Executive Officer in coordination with counsel from the Attorney Generals' Office, prepares a Statement of Issues and the Accusation(s) included.

Filing the Accusation with the Office of Administrative Hearings makes the matter public, and the Accusation is accessible from that office upon request.

Sent with the Accusation, the Statement to Respondent notifies the RPF that a Notice of Defense may be filed where he/she can request a hearing. At this point, the RPF is advised he/she may want to seek representation by legal counsel. The RPF cannot access the investigation working notes or attorney work product. The evidence which will be submitted at the hearing, including reports of any witnesses, can be obtained so he/she may prepare a defense. This is called "discovery." If the RPF finds the evidence to be submitted at the hearing is true and complete, he/she may choose to accept, on the merits of the Accusation, possible Board disciplinary action. This is done by signing a Stipulated Agreement which imposes license suspension or revocation with conditions satisfactory to the Board as appropriate discipline.

Hearing

An Administrative Law Judge (ALJ) weighs the investigation evidence and the standards of prudent conduct established by the expert witnesses against the evidence provided by the accused RPF. The cost of each party's counsel is borne by the respective party. The accused RPF can provide self representation (no counsel). The burden of proof is "clear and convincing evidence of reasonable certainty." The ALJ prepares a recommendation for Board action. The ALJ is encouraged to utilize the Disciplinary Guidelines in 14 CCR ' 1612.1 and Criteria for Rehabilitation in 14 CCR ' 1614.

Board Actions from Hearings Findings

A second counsel from the Attorney General's Office represents the Board in considering the decision of the Administrative Law Judge. In considering the decision of the ALJ, the Board may adopt, modify the recommendations, send the entire matter back to the same ALJ, or request another hearing before another ALJ. The Board's final options are: 1) exoneration, 2) suspension, or 3) revocation of license. The Board may allow the RPF to complete existing contracts if action is taken. In a suspension, part can be "stayed" which creates probation; the existing employer or clients must be notified of the discipline. The Board may specify possible conditions for rehabilitation for consideration when the RPF later requests license reinstatement. The Government Code, Section 11522, requires that a minimum of one year pass before the Board can consider a petition for reinstatement. The applicant may submit evidence of rehabilitation.

POLICY NUMBER 9 FOR PROFESSIONAL FORESTERS REGISTRATION

HOW TO FILE A COMPLAINT

For purpose of providing direction to the Executive Officer, the Board suggests that all complaints be filed in a consistent format and include the following information:

If a person wishes to file a complaint of professional misconduct against a Registered Professional Forester, the complaint must be submitted in writing, and mailed to Professional Foresters Registration, P.O. Box 94426, Sacramento, CA 94244-2460, (916) 653-8031. The complaint should include the following points:

1. The identity of the person who is the subject of the complaint, including his or her license number if known;
2. A short description of the transaction or circumstances involved;
3. The date and place (city or county) where the events occurred;
4. The identity and addresses or telephone number of any other person(s) who have knowledge of the events described;
5. A description of the loss, damage or other adverse consequences of the licensee's conduct;
6. Copies of pertinent portions of any plans, reports, letters, business records or other documents which support the complaint.

VERIFICATION

I CERTIFY UNDER PENALTY OF PERJURY OF THE LAWS OF CALIFORNIA THAT THE FACTS STATED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE:

CITY OR PLACE:

SIGNATURE:

NOTE TO COMPLAINANTS:

The complainant will receive a letter from the Board of Forestry acknowledging receipt of the complaint within approximately 3 weeks after submittal. The complaint will then go through an initial review by the **Executive Officer and Board** of investigators. You may be contacted by the Board to provide clarification or additional information. If a complaint you file results in prosecution, you must be willing to testify in the case. You will be notified by the Board if this is necessary. You will also be notified of the final action taken on the case.

POLICY NUMBER 10 FOR PROFESSIONAL FORESTERS REGISTRATION

Review of Probationary Work Products

As part of some stipulated agreements between the PFEC and disciplined RPFs to resolve licensing cases, outside RPF review of written timber harvest plans and other related documents done by the RPF while on probation are mandated before they are submitted to the California Department of Forestry and Fire Protection for review and possible approval. It is the responsibility of the RPF being disciplined to arrange for the independent review of his/her work product while on probation. It is the intent of the Board that this type of review will increase the thoroughness and completeness of the work that goes into the timber harvest plans done by the RPF. To help guide those involved in this review and reporting, the Board suggests that the following standards may be useful to achieve the rehabilitation objective:

Products to be reviewed: All current forms of timber harvest plans should be reviewed prior to the original submission to the California Department of Forestry and Fire Protection. This includes standard timber harvest plans, emergency timber harvest plans, modified timber harvest plans, and any other type(s) of plans involving timber harvest or major amendments to any of these documents the Board of Forestry may create in the future.

RPF Reviewer: Must be a licensed Registered Professional Forester who is involved in the timber harvest plan process, either in reviewing or writing THPs, and who has a working knowledge of current timber harvest plan regulations. RPF must have current license to practice forestry and not be subject to any open disciplinary case concerning their RPF license. Those RPFs directly involved in the regulatory review of the specific plan (either in an office or on the ground) after submission to the Department shall not be involved in this prior review of the plan.

Review: Unless stipulated otherwise, it is intent of the Board for this review to be an office check of the completeness of information that went into the timber harvest plan, and the presentation of that information in the plan. The RPF under probation is not prevented from getting the reviewer to go over the plan, or portions of the plan in the field, but this is not required.

The review of the plan should include what sources were used to obtain information in the plan, the documentation the RPF has of those sources, and how it is presented in the plan. As an example, where was the list of adjacent landowners names and addresses for Public Notice obtained from, where is it documented, how is it presented in plan. It is not expected of the reviewer to check whether the names are spelled correctly or that the addresses are accurate. A guide for the reviewer is the THP check list originally developed by California Licensed Foresters Association. Completing the check list would provide an adequate review of the plan, combined with assessment of adequacy of source information.

Should reviewer find deficiencies in the plan being reviewed, suggestions should be made to the RPF to correct problem(s) before submitting the plan to CDF. It is not the responsibility of the reviewer to make sure that those corrections are made, but rather it is up to the RPF. A second review of plan before submission is up to the RPF, and is not mandatory.

Certification of Review: The reviewer shall document and certify in writing to the PFEC that a review of a specific timber plan has occurred. A letter to the PFEC shall be sent within 7 days of the review, stating what was reviewed, what the results of that review were, and if reviewer believes plan met generally acceptable professional standards for timber harvest plans submitted to CDF.

Costs: It is up to the RPF to pay for the cost of having the reviewer participate in this process.

Other Work Products: Other work plans or documents reporting work done by or under the supervision of the RPF may require independent RPF review of those work products during probation. If so, that review shall be specifically addressed on a case by case basis in the stipulated agreement.